

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
LYNCHBURG DIVISION

ERIC BERTHIAUME,

Plaintiff,

v.

TODD DOUGLAS DOREMUS, DBA YELLOW
SUBMARINE

Defendant.

CASE No. 6-13-cv-00037

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff Eric Berthiaume's First Motion for Attorneys' Fees and Costs (docket no. 20) and Declaration in Support of Plaintiff's Motion for Attorneys' Fees and Costs (docket no. 21) (collectively, "Motion for Fees"), filed on March 6, 2014, and on March 13, 2014, respectively. **Plaintiff requests that this Court award him attorneys' fees of \$9550.00 under 42 U.S.C. § 12205, and costs of \$450 under Federal Rule of Civil Procedure 54, based on this court's February 11, 2014 order granting Plaintiff a default judgment.**

Defendant Todd Douglas Doremus proceeds *pro se* in this action. Under the general principles outlined in *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), **this Court hereby informs Defendant that even if he fails to respond to the Motion for Fees, it will dispose of the Motion.** This disposition could result in an award of the fees and costs requested by Plaintiff under either 42 U.S.C. § 12205, or Federal Rule of Civil Procedure 54(d), or both. **Having been so warned, if Defendant wishes to respond to the Motion for Fees, he is hereby ORDERED to file a response with this Court within twenty-one (21) days of the entry of this Order.**

The Clerk of the Court is hereby directed to send a certified copy of this order to all counsel of record, and to Defendant at 3313 Old Forest Rd., Lynchburg, VA 24501. It is so ORDERED. Entered this 28th day of April, 2014.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE